

## REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 2-4 and 6-20 are pending in the present application. Claims 1 and 5 are canceled, claims 2-4, 7-10 and 12-19 are amended and new claim 20 is added by the present amendment.

As an initial matter, although item 2 of the outstanding Office Action recites "claim to foreign priority to the date 9/27/98 has been acknowledged," it is noted this application claims priority to Japanese Patent Application No. 10-275285 filed September 29, 1998. Accordingly, the specification is amended to acknowledge this claim to priority.

### **I. Rejection under 35 USC § 102**

Claims 1-6 and 9-19 were rejected under 35 USC § 102(b) as anticipated by U.S. Patent number 5,493,692 to Theimar et al. (herein "Theimar"). This rejection is respectfully traversed because Theimar does not teach or suggest all the features of the pending claims.

Independent claim 2 is amended to include similar features to claim 5 (and claim 5 is accordingly canceled), and recites a "processing policy including an attribute-assigning policy setting a relationship between the first user requesting communication and the second user." Independent claim 2 further recites "looking up the attribute-assigning policy and information of the first user and the second user" when a request for communication occurs. Independent claims 3, 4, 9 and 12-19 are amended to include similar features.

In a non-limiting example, Figure 2 shows a situation in which a request is made to user A for communication in a private channel. If the requester is user D or someone sharing a common interest with user A, the processing policy setting permits the request during user A's normal time. On the other hand, when user A is busy, the processing policy is set to inquire of user A whether to permit the request or not. If the requester is a supervisor, the processing policy setting permits the request at any time regardless of the requestee user A's status (see the specification at page 29, lines 8-19).

As an advantage, such an attribute assigning policy allows processing of a communication request not only according to the status of a communication requester, but also a relationship among users from the viewpoint of the requestee (see the specification at page 30, lines 5-8).

In contrast, Theimar only discusses at col. 10, line 66 to col. 11, line 17 that a "UserAgent" checks "the requesting client's identity and authentication." However, checking a requesting client's authentication, as in Theimar, is different from "setting a relationship between the first user requesting communication and the second user" with whom communication is requested, as in the amended independent claims.

Moreover, the "client" discussed in Theimar is not similar to a "first user" as in the independent claims; rather, the "client" in Theimar refers only to a machine or software which initiates an RPC request. The "client" of Theimar, because it is different from a user, does not have a relationship which is set, for example.

Accordingly, it is respectfully submitted the independent claims and each of the claims depending therefrom patentably distinguish over Theimar.

## **II. Rejection Under 35 USC § 103**

Claims 7-8 were rejected under 35 USC § 103(a) as unpatentable over Theimar and U.S. Patent number 5,943,478 to Aggarwal et al (herein "Aggarwal"). This rejection is also respectfully traversed.

Claims 7-8 depend on independent claim 4, which as discussed is believed to patentably distinguish over Theimar. Further, Aggarwal only discusses a system for sending immediate pop-up messages between internet users and continuously tracking and reporting the online status of users, and also does not teach or suggest the features of the pending claims.

For example, claim 7 recites "making an obtain request for the information among a plurality of communication requester terminals and obtaining a reply" if information content related to the communication requester is not recorded in a first storing means. In contrast, Aggarwal at col. 3, lines 41-53 only discusses a user A querying a Global Server GS for the identity of a user B when the user A sends a message M to user B, but does not teach or suggest at least an obtain request among a plurality of communication requester terminals, as in dependent claim 7. It is also respectfully submitted dependent claim 8 also includes distinguishing features.

Accordingly, it is respectfully submitted dependent claims 7 and 8 further patentably distinguish over Theimar and Aggarwal.

**III. Amendments to the Claims and Specification**

Claims 2-4, 7-10 and 12-19 and the Specification are amended to correct minor informalities and to better conform to standard claim drafting practice. It is believed no new matter is added.

**IV. New Claim**

In addition, new claim 20 is added to set forth the invention in a varying scope. New claim 20 is an apparatus claim including similar features to claim 9, but is written not to be interpreted under 35 USC § 112, sixth paragraph. It is believed no new matter is added.

**V. Conclusion**

Consequently, in light of the above discussion and in view of the present amendment, this application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: May 11, 2004

By: Ryan Rafferty  
Ryan Rafferty  
Registration No. 55,556

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501